

SERVICE DATE – JANUARY 28, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 314 (Sub-No. 6X)

CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY—ABANDONMENT  
EXEMPTION—IN LINN COUNTY, IOWA

Decided: January 24, 2014

Chicago Central & Pacific Railroad Company (CCP)<sup>1</sup> filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 0.49-mile line of railroad extending between milepost 230.24 and milepost 229.75 in Cedar Rapids, Linn County, Iowa. Notice of the exemption was served and published in the Federal Register on October 30, 2013 (78 Fed. Reg. 65,040). The exemption became effective on November 29, 2013.

By decision served on November 25, 2013, the Board imposed three environmental conditions on CCP's abandonment exemption recommended by the Board's Office of Environmental Analysis (OEA). The environmental conditions required CCP to: (1) (a) prior to commencement of any salvage activities, consult with the Iowa Department of Natural Resources' (IDNR) Conservation and Recreation Division to ensure that any concerns in the right-of-way are addressed regarding disturbance to any rare species or significant natural communities, and (b) consult with IDNR's Environmental Services Division to determine the permit requirements, if any, for watershed disturbances, erosion and sedimentation, or wastewater discharges; (2) (a) retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or are listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, (b) report back to OEA regarding any consultations with the Iowa Historical Society (State Historic Preservation Office or SHPO) and the public, and (c) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process had been completed and the Board had removed this condition; and (3) in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during CCP's salvage activities, immediately cease all work and notify OEA and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA would then consult with the SHPO, CCP, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

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<sup>1</sup> CCP is an indirect subsidiary of Canadian National Railway Company (CNR) and is controlled by Grand Trunk Corporation, a wholly owned subsidiary of CNR.

In a Supplemental Final Environmental Assessment dated December 12, 2013, OEA states that in an e-mail dated December 5, 2013, the SHPO submitted comments stating that the proposed abandonment should not affect any cultural resources that are listed or eligible for listing in the National Register within the project area. OEA states that, based on consultations with the SHPO and CCP, it has determined that the proposed abandonment would not adversely affect historic properties listed in or eligible for inclusion in the National Register. Therefore, OEA recommends that the Section 106 historic preservation condition imposed in the Board's November 25, 2013 decision be removed (Condition 2).

Accordingly, based on OEA's recommendation, the previously imposed Section 106 historic preservation condition will be removed (Condition 2). The two previously imposed environmental consultation conditions regarding salvage activities will remain unchanged (Conditions 1 and 3).

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the November 25, 2013 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.